

III. REMARKS:

A. Preliminary Matters:

1. Priority Claim Acknowledgement Absence:

Assignee requests that the Examiner acknowledge the Assignee's claim for priority made in the first sentence of the specification (effected via a preliminary amendment filed with the national phase application on January 2, 2002) and in the Application Data Sheet filed with the national phase application (also filed on January 2, 2002).

2. Prior Submitted Supplemental Information Disclosure Statement:

Assignee has determined that its Supplemental Information Disclosure Statement of September 23, 2003 has not been entered by the Office. Therefore, Assignee has included herewith as Appendix C a copy of all documents submitted on September 23, 2003 relative to the Supplemental Information Disclosure Statement to show that indeed it has cited the documents indicated in that Supplemental Information Disclosure Statement on September 23, 2003. Assignee requests that the Examiner provide to the Assignee a copy of the initialed Form 1499 indicating that the Examiner has considered the references cited by the Assignee. The Office's apparent inability to locate the Supplemental Information Disclosure Statement of September 23, 2003 - in addition to the difficulty the Office has had matching the preliminary amendments with the file - most likely relates to the fact that this case spent time PCT Legal Affairs.

The Assignee very much appreciates the Examiner's assistance in locating items that were properly submitted but, through no fault of the Assignee or its representative, might not be before the Examiner at this time.

3. Assignee's Prior Submission of Two Preliminary Amendments:

Again, there has apparently been some difficulty in matching the Assignee's first two preliminary amendments with the file. It is Assignee's understanding that both preliminary amendments have been matched to the file, albeit lately, and that the Examiner is not requesting that the Assignee re-submit the first preliminary amendment. However, the Examiner requested that the Assignee re-submit the second preliminary amendment (originally submitted October 27, 2003). As such, the Assignee is submitting herewith (please see Appendix B) a copy of the previously filed second preliminary amendment (in which the Assignee added and paid for claims 267 and 338-357 renumbered as claims 358-378). Assignee indicates, as it indicated in the second preliminary amendment, that all the added claims, in addition to the claims remaining in the case before that amendment, are part of the single group that Assignee elected in response to the Examiner's restriction requirement of October 6, 2003. Assignee further indicates that its payment for additional claims was indeed charged (although for \$618.00 - slightly less than the apparently excessive \$722.00 amount authorized on October 27, 2003).

The Assignee appreciates the Examiner's previously expressed willingness to consider claims 358-378 (again, these originally filed claims were re-added to the case in a second preliminary amendment and are originally filed claims 267 and 338-357). They have been labeled in the attached Amendments to Claims as "previously presented."

Assignee further indicates that each of the preliminary amendments submitted are intended to effect important changes to the case and requests that they each be entered as soon as possible in their entirety, if such entry has not yet taken place. Of course, the Supplemental Information Disclosure Statement also relates to important matters that need consideration by the Examiner.

B. Reply to Detailed Action Section of Office Action:

1. Drawings:

- *Examiner's Concern:* The Examiner expressed concern that Figures 1-1 and 1-2 should be designated by a legend such as "Prior Art".

- *Assignee's Response:* In response to this particular concern, the Assignee has added the term "Prior Art" to the two indicated figures, in addition to the Fig. 1-3, as part of corrected drawings submitted herewith as Exhibit A.

2. Specification:

- *Examiner's Concern:* The Examiner expressed concern relative to the language and format for the abstract of the disclosure.

- *Assignee's Response:* In response, the Assignee contends that the Abstract, as amended in the first preliminary amendment filed with this case, is indeed proper. As but one fact relative to the properness of the Abstract as filed with this case, Assignee notes that it is under 130 words.

3/4. Double Patenting:

- *Examiner's Concern:* The Examiner expressed concern relative to nonstatutory double patenting of claims 254-266 and 328-337 as based on claims 1-43 of US Patent No. 6,307,757.

- *Assignee's Response:* In response, the Assignee submits herewith an appropriate terminal disclaimer under 37 C.F.R. §1.321(c).

5/6. Concerns Under 35 U.S.C. 102(b):

- *Examiner's Concern:* The Examiner expressed concerns relative to claims 254-257, 259/254, 261, 264, 328-331 and 333-337 as based on 35 U.S.C. 102(b) in light of Assignee's admitted prior art of Figs. 1-1 and 1-2 of the instant application.

- *Assignee's Response:* In response, the Assignee indicates the following as to the claims of the set of claims that concerned the Examiner. Of course, where an independent claim is novel, so too are claims that depend therefrom.

- Claim 254 (and dependents): Simply, neither Figs. 1-1 or 1-2 disclose the "overlapping conduction rectifier control system" of claim 254 (and dependents). For the convenience of the examiner, the Assignee points to: text from page 30, line 28 to page 31, line 6, and text from page 31, line 10 to page 32, line 14 (discussing "overlapping"); and text from page 13, line 30 to page 16, line 19 (discussing Figs. 1-1 and 1-2). All page and line reference numbers are to the PCT application as originally filed.

- Claim 328 (and dependents): Simply, neither Figs. 1-1 or 1-2 disclose the "passive sinusoidal drive system " of claim 328 (and dependents). For the convenience of the examiner, the Assignee points to text from page 19, lines 14 - 31 (discussing "passive"), and to text from page 13, line 30 to page 16, line 19 (discussing Figs. 1-1 and 1-2).

7/8. Concerns Under 35 U.S.C. 102(a):

- *Examiner's Concern:* The Examiner expressed concerns relative to claims 254-257, 259/254, 261, 264, 328-331 and 333-337 as based on 35 U.S.C. 102(a) in light of US Pat. No. 6,055,163 issued to Wagner et al. (Wagner '163).

- *Assignee's Response:* In response, the Assignee indicates the following as to the claims of the set of claims that concerned the Examiner. Of course, where an independent claim is novel, so too are claims that depend therefrom.

- Claim 254 (and dependents): Simply, Wagner '163 does not disclose the "overlapping conduction rectifier control system" of claim 254 (and dependents). For the convenience of the examiner, the Assignee points to text from page 30, line 28 to page 31, line 6, and text from page 31, line 10 to page 32, line 14 (discussing "overlapping"). Assignee respectfully explains that 84 of Wagner '163 which the Examiner cites as "overlap conduction control" is not overlap conduction control, but instead is merely a control power supply (see, e.g., column 4, line 20 of Wagner '163).

- Claim 328 (and dependents): Simply, Wagner '163 does not disclose the "passive sinusoidal drive system " of claim 328 (and dependents). For the convenience of the examiner, the Assignee points to text from page 19, lines 14 - 31 (discussing "passive").

9. Examiner's Objection to Certain Dependent Claims:

- *Examiner's Action:* The Examiner objected to dependent claims 258, 259/258, 260, 262, 263, 265, 266 and 332 as being dependent upon a rejected base claim, indicating that, however, they would be allowable if: these claims were rewritten in independent form including all of the limitations of the base claim and any intervening claims; and a terminal disclaimer were timely filed.

- *Assignee's Response:* In response, the Assignee indicates that the independent claims from which each of the objected dependent claims depends are indeed novel as explained above and thus, these dependent claims are not objectionable and that the Assignee need not convert them into independent form for them to be allowable

Further Remarks: It should be understood that the amendments made herein are made for tangential issues of clarity and as a matter of the Office's convenience or expedience only. The amendments should not be interpreted as an action that in any way surrenders a particular equivalency, surrenders any patent coverage, surrenders any right to patent coverage, restricts the scope of protection intended, or otherwise limits any rights which the applicant may now or

hereafter assert. It should be understood that, unless and to the extent deemed broadened by this amendment, and even as amended, the applicant expressly reserves all rights, including but not limited to: all rights to maintain the scope of literal coverage with respect to any element as may have existed under the language previously presented, all rights to maintain the scope of equivalency coverage as may have existed under the language previously presented, and all rights to re-present the prior language at any time in this or any subsequent application. To the extent currently foreseeable, no change or reduction in direct or equivalency coverage is believed to exist, and no change or reduction in direct or equivalency coverage is intended through the presentation of this amendment.


IV. CONCLUSION:

This amendment and request for reconsideration is in response to the office communication mailed February 6, 2004. In that office communication, the Office raised various concerns as to the specification, drawings and claims. The Assignee submits this amendment and request for reconsideration to fully address the Office's February 6, 2004 action. The Assignee again notes that properly submitted documents have apparently not made it to the file, including the Second Preliminary Amendment and a Supplemental Information Disclosure Statement (copies of which are filed as part of Appendix B and C respectively); the Assignee requests that the undersigned representative be contacted by telephone if the Examiner has any concerns with this submission. The Assignee believes that all concerns have been addressed and requests an allowance of the claims remaining in the case (claims 254-266, 328-337 and 358-378) at the Examiner's earliest convenience.

Dated this 27th day of June, 2004.

Respectfully Submitted,
SANTANGELO LAW OFFICES, P.C.

By: _____


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